

IN THE CIRCUIT COURT OF MACON COUNTY, ALABAMA

LORI ANN MORRIS, as Administratrix
of the Estate of Vernell Brian Morris,

PLAINTIFF,

Vs.

**FLORIDA TRANSFORMER, EDWARD
NEAL THOMPSON** and fictitious parties,
A, B and C being that person, persons,
partnership or corporation who was operating
the vehicle at the time of the accident made the
basis of this Complaint; D, E and F being that
person, persons, partnership or corporation
who owned said vehicle; G, H and I being
the person, persons, partnership or corporation
who maintained the vehicle driven by Edward
Neal Thompson at the time of accident made
the basis of this Complaint; J, K and L being
that person, persons, partnership or
corporation who negligently hired and retained
Edward Neal Thompson; and M, N and O, being
that person, persons, partnership or corporation
who negligently entrusted the vehicle driven by
Edward Neal Thompson or the fictitious driver
at the time of said accident made the basis of
this Complaint, whose names are otherwise
unknown to the Plaintiff at this time but will
be added by amendment when ascertained,

DEFENDANTS.

CIVIL ACTION NO. CV 05-172

COMPLAINT

COMES NOW the Plaintiff and says as follows:

1. The Plaintiff, Lori Ann Morris, the widow and Administratrix of the Estate of Vernell

Brian Morris, deceased, is over the age of nineteen years and is a resident citizen of the Parish of East Baton Rouge, LA. (Exhibit 1).

2. Defendant, Florida Transformer, is a Corporation incorporated in the State of Florida with its principal operations in Defuniak Springs, Florida.

3. The Defendant, Edward Neal Thompson (hereinafter, "Thompson"), is over the age of nineteen years and is a resident of Butler County, Alabama.

COUNT 1 - WRONGFUL DEATH

4. On or about the 2nd day of September, 2004, Plaintiff's intestate, Vernell Brian Morris, was operating a tractor-trailer vehicle traveling North on Interstate I-85 in Macon County, Alabama, near its intersection with Macon County Roads 30 and 93.

5. At said time and place, a tractor-trailer vehicle, owned by Defendant, Florida Transformer, and operated by Defendant, Thompson, was also traveling North on Interstate I-85.

6. At said time and place, Defendant, Thompson, negligently and/or wantonly allowed the tractor-trailer driven by him to collide with the tractor-trailer occupied by Plaintiff's intestate, Vernell Brian Morris.

7. Plaintiff claims that at the time of said accident, Defendant, Thompson, was acting within the line and scope of his employment with Defendant, Florida Transformer, when he negligently and/or wantonly allowed the tractor-trailer driven by him to collide with the tractor trailer occupied by Plaintiff's intestate, Brian Vernell Morris.

8. Plaintiff claims that Defendant, Florida Transformer, negligently and/or wantonly maintained the vehicle driven by Defendant, Thompson.

9. Plaintiff claims that Defendant, Thompson, failed to maintain proper control of his

tractor-trailer rig by failing to bring it to a safe stop and thereby negligently and/or wantonly caused the collision which resulted in the death of Plaintiff's intestate, Vernell Brian Morris.

10. Plaintiff claims that Defendant, Thompson, negligently and/or wantonly, failed to maintain proper look-out for the vehicle occupied by Plaintiff's intestate, Vernell Brian Morris when he allowed the vehicle driven by him to collide with that occupied by Plaintiff's intestate.

11. Plaintiff avers that Defendant, Edward Neal Thompson through his negligent and/or wanton inattentiveness, failed to observe the vehicle of Plaintiff's intestate and failed to bring his vehicle to a stop in time to avoid the collision between his vehicle and that occupied by Plaintiff's intestate, Brian Vernell Morris.

12. Plaintiff claims that Defendant, Thompson, had the last clear chance to avoid the collision between his tractor-trailer rig and the vehicle occupied by Plaintiff's intestate.

13. Plaintiff avers that Defendant, Thompson, negligently and/or wantonly violated State and Federal regulations when he negligently and/or wantonly allowed the tractor-trailer driven by him to collide with the vehicle occupied by Plaintiff's intestate, Vernell Brian Morris.

14. As a direct and proximate cause of the aforementioned negligence and/or wantonness Plaintiff's intestate, Vernell Brian Morris received serious bodily injuries from which he died.

WHEREFORE, Plaintiff, Lori Ann Morris, as Administratrix of the Estate of Brian Vernell Morris, demands judgment against Defendants, Florida Transformer and Edward Neal Thompson, jointly and severally for the wrongful death of Vernell Brian Morris the sum of \$10,000,000.00 and costs.

COUNT II - NEGLIGENT HIRING AND RETENTION

15. Plaintiff realleges all preceding allegations of Count I of this Complaint as if they are fully set out herein.

16. Plaintiff claims that Defendant, Florida Transformer, negligently hired and retained Defendant, Thompson, in its employ.

17. Plaintiff avers that as a direct and/or a proximate cause of said negligent hiring and retention of Defendant, Thompson, said Defendant negligently and/or wantonly allowed the vehicle driven by him to collide with the vehicle occupied by Plaintiff's Interstate, Vernell Brian Morris.

18. Plaintiff avers that as a proximate cause of the above-mentioned negligence and/or wantonness, Plaintiff's interstate, Vernell Brian Morris, suffered serious bodily injury which resulted in his death.

WHEREFORE, Plaintiff demands judgment against Florida Transformers in the amount of \$10,000,000.00.

COUNT III - NEGLIGENT ENTRUSTMENT

19. Plaintiff, Lori Ann Morris, realleges all allegations of Counts I and II of the Complaint, as if fully set out herein.

20. Plaintiff further claims that Defendant, Florida Transformer, negligently entrusted a tractor-trailer vehicle to Defendant, Thompson, while knowing said Defendant to be a reckless and heedless driver.

21. Plaintiff avers that as a direct and proximate cause of said negligent entrustment, Defendant, Thompson, negligently and/or wantonly allowed his vehicle to collide with the vehicle occupied by Plaintiff's intestate, Vernell Brian Morris.

22. Plaintiff avers that as a result of said negligence and/or wantonness, Florida Transformer negligently and/or wantonly caused serious bodily injury to Plaintiff's intestate, Vernell Brian Morris, which resulted in his death.

WHEREFORE, Plaintiff demands punitive damages against Defendant, Florida Transformer, in the sum of \$10,000,000.00

COUNT IV - FICTITIOUS PARTIES

23. Plaintiff realleges and adopts all preceding allegations and averments as if fully set out herein.

24. Plaintiff claims that fictitious parties, A, B and C operated a vehicle, owned by D, E and F, and negligently and/or wantonly allowed said vehicle to collide with the vehicle occupied by Plaintiff's intestate.

25. At the time of said accident, Defendants, A, B and C, were acting within the scope of his or their employment with Defendant, D, E and F.

26. Plaintiff avers that Defendants, G, H and I negligently and/or wantonly maintained the vehicle driven by Defendants A, B and/or C.

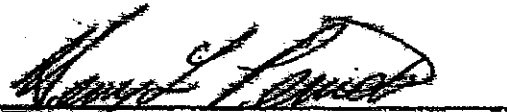
27. Plaintiff avers that Defendants, J, K and L negligently hired and retained Defendants, A, B and C.

28. Plaintiff avers that Defendants, M, N and O negligently entrusted the vehicle to A, B and C.


29. Plaintiff avers that as a proximate cause of the negligence and/or wantonness of A, B, C, D, E, F, G, H, I, J, K, L, M, N and O, Plaintiff's intestate, Vernell Brian Morris, suffered serious bodily injury and died.

WHEREFORE, Plaintiff demands judgment against Defendants, A, B, C, D, E, F, G, H, I, J, K, L, M, N and O, jointly and/or severally, in the amount of \$10,000,000.00

Respectfully submitted,



Henry L. Penick, Esquire
H. L. PENICK & ASSOCIATES, P.C.
319- 17th Street North, Suite 200
Birmingham, Alabama 35203
(205) 252-2538



Dr. Edward A. Robinson, III, Esquire
600 North Foster Drive
P.O. Box 3131
Baton Rouge, LA 70821

PLAINTIFF'S ADDRESS

Lori Ann Morris
c/o Henry L. Penick
P.O. Box 967
Birmingham, AL 35201

DEFENDANTS' ADDRESS

Florida Transformer
P.O. Box 507
Defuniak Springs, FL 32435

Edward Neal Thompson
801 5th Avenue
Geneva, AL 36240

~~19TH~~ JUDICIAL DISTRICT COURT
FOR THE PARISH OF EAST BATON ROUGE

STATE OF LOUISIANA

NO. 83091

DIVISION " "
SUCCESSION OF VERNELL MORRIS

SECTION NO. 21

FILED: _____

DEPUTY CLERK

LETTERS OF ADMINISTRATION

THIS SHALL CERTIFY to all whom may concern, that on the 21ST day of August, in the year of our Lord Two Thousand and five, an application was made to the Honorable Judge of the Civil District Court for the Parish of East Baton Rouge, State of Louisiana, Division " " by Lori Ann Morris, praying that she may be appointed Administrator of the estate of Mr. Vernell Brian Morris.

NOW, KNOW YE, That Lori Ann Morris has been appointed Administrator of the said Succession of Vernell Brian Morris, and that she has been fulfilled all requisites of law.

Witness our hand and seal of said Court at the
City of B.R. State of Louisiana, this
21ST day of August, in the
Year of our Lord, two thousand five.


DEPUTY CLERK

EXHIBIT 1

A TRUE COPY
AUG 21 2005
DY. CLERK OF COURT